

REMARKS

This amendment is made for purposes of placing the application in better condition for allowance or, in the alternative, for appeal. No new issues are presented and, in fact, the number of claims has been reduced to facilitate the Examiner's reconsideration or, in the alternative, issues on appeal.

The specification has been carefully reviewed and amended to correct minor typographical errors. No new matter is added by this amendment.

Claims 1 to 4, 7, and 12 are active in the application. By the present amendment the limitations of claims 5-6 and 8-11 have been incorporated into claims 1 and 12 in order to highlight novel features of the present invention. Accordingly, claims 5-6 and 8-11 have been canceled. No new matter has been introduced by this amendment. The Examiner is respectfully requested to reconsider the application in a view of the above amendments and further remarks.

Claims 1-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Giovannoli (WO 97/31322) and further in view of Alaia et al. (U.S. Patent 6,199,050). This rejection is respectfully traversed for the reason that the combination of Giovannoli and Alaia et al. fails to show the invention as presently claimed.

As it was discussed in the previous response, the present invention is a really novel hybrid trade form between the auction-based dynamic pricing trade and the catalog-based fixed-pricing trade. The trading system taught by the Applicant has more flexible pricing than the catalog-based fixed pricing trade and is simpler in trading from than the traditional auction, which requires many complex steps to complete a transaction. The use of tentative sell bid and historical sell bid in addition to submitted sell bid to skip some time-consuming bid receiving steps of Request for Quotation auctions for expediting the process and create a hybrid trading form trade which includes the traditional RFQ auction-based trade and the catalog-based, fixed pricing trade. Secondly, the aggregation of tentative sell bids and historical sell bids from multiple electronic marketplaces

on the Internet in one or more database allows to create a bigger pool of possible pricing provided by sellers, which helps buyers to study the price range for setting an RFQ auction.

In making the rejection, the Examiner seems to misunderstand the concept of aggregation of sell bids as it is presented by the claimed invention. On page 3, paragraph 3, of the office action the Examiner states that , “Giovannoli and Alaia in combination teach both a multi-attribute match engine and a sell-bid presentation process that permits the aggregation of sell bids from multiple e-marketplaces.” (emphasis added) At the same time the Examiner does not provide any evidence for this statement. The prior art relied on by the Examiner do not show the aggregation of sell bids from multiple e-marketplaces. It seems that the Examiner considers an aggregation as a creation of a new sell bid by merging multiple sell bids to match RFQ. However, the claimed invention means by the aggregation of sell bids is the collecting of various sell bids from many electronic marketplaces on the Web, putting them in a database, and making the information available to sellers and buyers with pricing conditions such as price valid time period. In some sense, it will make a catalog of goods and their possible prices. Furthermore, the difference from the traditional catalog is that the pricing (sell bids) available is this database can change over time and other conditions (multi-attributed auction).

Furthermore, on page 3 of the office action in the response of the Examiner states that “Gio on page 1 describes a central database of goods and services offered to buyers, and the use of filter conditions on page, and the process taught by Gio can result in aggregation of sell bids”. This statement may be accurate but is not relevant to the claimed invention for the reason that the “central data base of goods and services of Giovannoli provides different content to buyers from the database of aggregation sell bids of this invention.

Furthermore, responding to the Applicant’s argument, the Examiner states on page 4 of the Office Action, “Standard database manipulation of data fields can

match RFQs and multiple bids stored in a database.” Again, this fact is irrelevant to the claimed invention, for the reason that the multi-attribute match engine described in this invention solve multi-attribute decision making problem which have been studied in Operation Research field. It optimizes the selection by considering values of multiple attributes of goods or services. It is well known that database technology may be able to match multiple attributes based on certain criteria, but it does not solve the multi-attribute decision making problem - it does not optimize the selection or match for a certain set of criteria (or objectives in OR term). The Examiner continues, “Alaia on page 1-8 teaches prior art on the RFQ process, which is generic and applicable to this invention, and teaches historical bids in the form of standard catalog prices”. Applicant respectfully points out, that this invention is different from catalog pricing which provides fixed pricing. The database collecting (aggregating) various sell bids from multiple e-marketplaces is in a sense a catalog of goods and services with possible prices. However, it is not fixed pricing, but dynamic pricing because there may be multiple prices for a single good or service from one or more sellers and also the prices can change on certain conditions such as valid time period which can be augmented with prices in the database. Responding to the Examiner’s statement, that, “Common sense and historical practice teaches the creation of sell bids aggregating two or more bids when individual bids do not match the specification of the RFQ.”, the Applicant respectfully notes that this statement clearly reveals that the Examiner misread of the “aggregation of bids” concept. What he means is irrelevant to what this invention means when it described aggregating sell bids from multiple e-marketplaces in a database. Therefore, the Examiner’s argument is not valid especially in a view of the present amendment.

In order to emphasize the distinctions the limitations of claims 5, 6, 8 to 11 have been incorporated into the claim 1 and the limitations of claims 5-6, 8-9 have been incorporated into the method claim 12. Therefore, the independent claims 1 and 12 now include the limitations related to tentative sell bid and historical sell

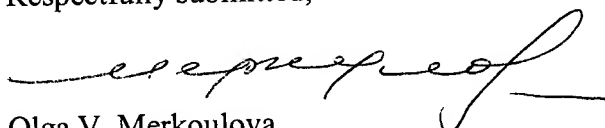
bid which are not shown by the prior art relied on by the Examiner. As amended, it is submitted that independent claims 1 and 12 clearly defines over the references to Giovannoli and Alaia et al. and the rest of the claims depend from claim 1.

In view of the foregoing, it is respectfully requested that this amendment to be entered as placing the application in condition for allowance or, in alternative, for purpose of appeal for the reason that no new issues are raised by the amendment and, in fact, the issues have been narrowed and reduced for reconsideration by the Examiner or, in alternative, for appeal. Therefore, the Examiner is respectfully requested to reconsider and allow claims 1 to 4, 7, and 12 be allowed, and that the application be passed to issue or alternatively enter this amendment for the purpose of appeal.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0510 (IBM Yorktown).

Respectfully submitted,



Olga V. Merkoulouva
Reg. No. 48,757

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190
Tel. (703) 787-9400
Fax. (703) 787-7557
Customer No.: 30743